

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
KROME, FLORIDA

LOCAL RULES OF PROCEDURE

RULE 1. General Statement.

- A. These rules are adopted for the purpose of facilitating the convenient and orderly conduct of the business of the Krome Immigration Court.
- B. All matters scheduled for hearing before an Immigration Judge of the United States Immigration Court, Krome, Florida, shall proceed at the time and date scheduled for hearing. Parties shall be prepared to go forward with their cases at the appointed time.
- C. These rules are meant to supplement, not circumvent, regulations of the Attorney General of the United States.
- D. In the interest of justice or if circumstances warrant it, the Immigration Judge may waive any or all of the Local Operating Rules in a particular case.

RULE 2. Telephonic Representation and Testimony

- A. Representatives must appear personally for merits hearings. They may appear telephonically for master calendar, or pretrial conference only upon motion and written approval of the Immigration Judge.
- B. Telephonic testimony may be offered only in extenuating circumstances, and is in the sole discretion of the Immigration Judge. Generally, however, such evidence will only be taken with the consent of all parties.
- C. All proposed exhibits should, if possible, be submitted with the application for relief at time of master calendar (filing of application). Asylum applications must be filed at master calendar, and generally all other applications as well. The Court can upon motion allow all other applications to be filed by mail. The Immigration Judge may at that hearing give additional time for exhibits, which must be filed by a date set by the Immigration Judge.
- D. Furthermore, counsel shall at the time of filing the applications, submit name of proposed witnesses with language requirements if any and proffer of testimony.

RULE 3. Filing Procedure

In addition to complying with 8 C.F.R. Sections 1003.31 and 1003.32, all documents and applications submitted by counsel (which herein throughout includes non-attorney representatives) for consideration by an Immigration Judge shall be two-hole punched at the top of the page with holes two-and-three-quarter inches apart. All exhibits and documents in support of a motion or claim submitted by counsel shall be paginated and have as a first page a table of contents with page number identification. Exhibit tabs with letter designations shall be utilized by counsel when five or more documents are involved. Filings shall be stapled or otherwise securely fastened, but not be permanently bound. These rules shall not apply to pro se aliens.

RULE 4. Continuances of Hearings.

Parties seeking a continuance, except under extenuating circumstances, shall file a written motion for continuance no less than 2 (two) days prior to scheduled hearing. The motion must include the alien's name and number, date of hearing and the Judge's name, and reason for continuance.

Unless notified by the Immigration Judge that the motion has been granted, all parties must attend the hearing and be prepared to proceed.

RULE 5. Motions and Procedures

8 C.F.R. 1003.32(a) allows for service of motions by regular mail. Due to the short time between master calendar and individual calendar all parties should, if possible, serve the opposing party personally, or by express delivery, so that all parties have the motions when the Court receives them. Any response to a motion shall be made within five (5) days of service of the motion, unless the time is modified by the Immigration Judge. If the hearing is scheduled within five (5) days, any response shall be made at the scheduled hearing.

RULE 6. Withdrawal/Substitution of Representatives

- A. Motion to withdraw shall be made in writing, and shall indicate the client's consent. An alien may make a motion orally in Court to dismiss his attorney. Counsel remains attorney of record until Court issues an order granting the motion.
- B. Substitution of counsel or representative shall be accompanied by EOIR-28 signed by substituted representative. Such motion may be made orally, but substituted counsel should be ready to proceed at that time and file EOIR-28, unless the Immigration Judge grants additional time.

RULE 7. Stipulations

It is the policy of this court to encourage stipulations of law and facts whenever possible provided that the Immigration Judge reserves the discretion to make further inquiry into any areas that are subject of the stipulation.

RULE 8. Pretrial Conferences

Pursuant to 8 C.F.R. 3.21, at the Court's discretion, parties may be required to attend a pretrial conference.

RULE 9. Rules of Conduct

All counsel are expected to exercise due diligence and candor with the Court and opposing counsel at all times. Engaging in knowing misrepresentation will be considered a ground for immediate referral for disciplinary action under the Rules of Professional Conduct for Attorneys and Practitioners.

Reference is taken of state bar rules and canons, and ABA rules and canons for guidance of practitioners before the Court. Personal conduct and Professional standards shall be required and monitored. Appropriate actions may be instituted by the Court for violations of these standards.



U. S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

Chief Immigration Judge

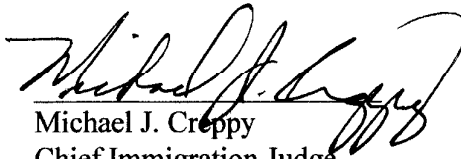
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NOTICE

Pursuant to 8 C.F.R. § 1003.40, Local Operating Procedures were proposed by the Immigration Judges and the Court Administrator in Krome, Florida. Following initial review of the proposed Local Operating Procedures by the Chief Immigration Judge, the proposed Local Operating Procedures were made available for public comment and, upon receipt of those comments and due consideration of them, the Immigration Judges and the Court Administrator in Krome, Florida have forwarded the final proposed Local Operating Procedures to me for approval. The attached Local Operating Procedures for the Immigration Court in Krome, Florida are approved and will be effective February 1, 2006.

12/21/05
Date


Michael J. Creppy
Chief Immigration Judge